

United States District Court
Northwestern Division - District of North Dakota

UNITED STATES OF AMERICA

v.

**ORDER AMENDING CONDITIONS OF
RELEASE**

Case Number: 4:08-cr-045

DELMAR MANUEL SHEPPARD

IT IS ORDERED that the release of the defendant is subject to the following conditions:

- (1) The defendant shall not commit any offense in violation of federal, state, tribal or local law while on release in this case.
- (2) The defendant shall keep his attorney and the Clerk, U.S. District Court, P.O. Box 1193, Bismarck, ND 58502, advised of any change in his address or telephone number prior to any such change. Clerk's Tel. No is (701) 530-2300.
- (3) The defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed as directed. The defendant shall next appear as notified.

Release on Personal Recognizance or Unsecured Bond

IT IS FURTHER ORDERED that the defendant be released provided that:

ADDITIONAL CONDITIONS OF RELEASE

- (4) The defendant's release is subject to the following additional conditions:
- (a) Defendant shall report to the Pretrial Services Office at such times and in such manner as designated by that office.
 - (b) Defendant shall refrain from any use of alcohol, and any use or possession of a narcotic drug and other controlled substances defined in 21 U.S.C. §802 unless prescribed by a licensed medical practitioner, and submit to drug screening to verify compliance.
 - (c) Defendant shall undergo a substance abuse evaluation if required by the Pretrial Services officer and comply with resulting treatment recommendations.
 - (d) Defendant shall participate in the following home confinement program and abide by all requirements of the program during his period of pretrial release commencing as soon as Pretrial Services can arrange hookup. Defendant's home confinement program will include electronic monitoring and a sobriety. Defendant shall review and sign a home confinement agreement provided by the Pretrial Services Office and follow procedures specified by his supervising Pretrial Services Officer. Defendant is required to remain at the residence of his girlfriend, Cheyenne Rosencrans, at all times except when working, making court appearances, meetings with counsel, and other activities permitted by the Pretrial Services Officer, all of which need to be preapproved by the Pretrial Services Officer. Defendant shall remain in the Custody of Centre, Inc., until the electronic monitoring equipment and sobriety are installed at his girlfriend's residence.
 - (e) Defendant shall not operate a motor vehicle while on release.
 - (f) Defendant shall submit his person, residence, vehicle, and/or possessions to a search conducted by a pretrial services officer at the request of the pretrial services officer. Failure to submit to a search may be grounds for revocation of pretrial release. Defendant shall notify any other residents that the premises may be subject to searches pursuant to this condition.

Advice of Penalties and Sanctions

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of release, an order of detention, and a prosecution for contempt of court and could result in a term of imprisonment, a fine, or both.

The commission of any offense while on pretrial release will result in an additional sentence of a term of imprisonment of not more than ten years, if the offense is a felony; or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be in addition to any other sentence.

Federal law makes it a crime punishable by up to 10 years of imprisonment, and a \$250,000 fine or both to obstruct a criminal investigation. It is a crime punishable by up to 10 years imprisonment, and a \$250,000 fine or both to tamper with a witness, victim or informant; to retaliate or attempt to retaliate against a witness, victim or informant; or to intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, you shall be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, you shall be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony, you shall be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor, you shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be in addition to the sentence for any other offense. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Dated this 8th day of September, 2008.

/s/ Charles S. Miller, Jr.
Charles S. Miller, Jr.
United States Magistrate Judge